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PROVISIONAL AGENDA, ANNOTATIONS THERETO AND SCHEDULING OF MEETINGS OF THE TWENTY-SIXTH SESSION

Note by the Secretariat

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The twenty-sixth session will be held at the Vienna International Centre from 5 to 23 July 1993. The session will be opened on Monday, 5 July 1993, at 10:00 a.m. The Commission is composed of the following member States: Argentina, Austria, Bulgaria, Cameroon, Canada, Chile, China, Costa Rica, Denmark, Ecuador, Egypt, France, Germany, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Mexico, Morocco, Nigeria, Poland, Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, and Uruguay.

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairman, three Vice-Chairmen and a Rapporteur.

Item 3. Adoption of the agenda

It is suggested that all items be considered in plenary.

Item 4. New international economic order: Procurement

(a) Draft Model Law on Procurement

The Commission, at its nineteenth session (1986), decided to undertake work in the area of procurement and entrusted the subject to the Working Group on the New International Economic Order (A/41/17, para. 243). The Working Group commenced its work at its tenth session and devoted its eleventh to fifteenth sessions to the preparation of the draft Model Law on Procurement. The reports of those sessions are contained in documents A/CN.9/315, 331, 343, 356, 359 and 371. The Commission, at its twenty-fifth session (1992), requested the Working Group to present the draft Model Law to the Commission at its twenty-sixth session for final review and adoption (A/47/17, para. 153). The Working Group completed its work by adopting the draft text of a Model Law on Procurement at the close of its fifteenth session, after a drafting group had established corresponding versions in the six languages of the Commission.

The Commission will have before it the report of the Working Group on the work of its fifteenth session, held in New York from 22 June to 2 July 1992 (A/CN.9/371). The text of the draft Model Law is contained in the annex to that report. That text was circulated to Governments and interested international organizations for comment. The comments received are reproduced in A/CN.9/376. Possible additional points to be considered by the Commission in its final review of the draft Model Law on Procurement are contained in a note by the Secretariat (A/CN.9/377).

The Commission, at its twenty-fifth session (1992), accepted the recommendation of the Working Group that priority should be given to the preparation of a commentary aimed at giving guidance to legislatures preparing legislation based on the Model Law. The Commission will have before it the draft text of the Guide to Enactment of the UNCITRAL Model Law on Procurement prepared by the Secretariat and reviewed by an informal ad hoc working party of the Working Group, that met at Vienna from 30 November to 4 December 1992 (A/CN.9/375).

(b) Future work: Procurement of services

The Commission will have before it a note by the Secretariat on the question of the possible formulation of model legislative provisions on the procurement of services (A/CN.9/378/Add.1).

Item 5. Electronic data interchange

At its twenty-fourth session (1991), the Commission was agreed that the legal issues of electronic data interchange (EDI) would become increasingly important and that the Commission should undertake work in that field. The Commission decided that a session of the Working Group on International Payments would be devoted to identifying the legal issues involved and to considering possible statutory provisions (A/46/17, paras. 311 to 317).

At its twenty-fifth session (1992), the Commission considered the report of the Working Group on the work of its twenty-fourth session (A/CN.9/360) and endorsed the recommendation for future work by the Commission on the legal issues of EDI contained in that report (ibid., paras. 129-133). The preparation of legal rules on EDI was entrusted to the Working Group on International Payments, which was renamed the Working Group on Electronic Data Interchange (A/47/17, para. 147). The Working Group commenced its work at its twenty-fifth session, held in New York, from 4 to 15 January 1993. The Commission will have before it the report of the Working Group (A/CN.9/373).

Item 6. International contract practices: draft Convention on International Guaranty Letters

The Commission, at its twenty-second session (1989), decided that work on a uniform law on guarantees and stand-by letters of credit should be undertaken (A/44/17, para. 244). The Working Group on International Contract Practices commenced its work on this topic at its thirteenth session. The Working Group held its eighteenth session at Vienna from 30 November to 11 December 1992 and will hold its nineteenth session from 24 May to 4 June 1993 in New York. The Commission will have before it the reports of the Working Group (A/CN.9/372 and 374, respectively).

Item 7. Case law on UNCITRAL texts (CLOUT)

Based on a decision by the Commission at its twenty-first session (A/43/17, paras. 98-109), the UNCITRAL secretariat has established a system for collecting, and disseminating information on, court decisions and arbitral awards relating to normative texts emanating from the work of the Commission. The system relies on national correspondents designated by the States adhering to an UNCITRAL Convention or having enacted legislation based on an UNCITRAL Model Law. The features of that system are explained in the User Guide (A/CN.9/SER.C/GUIDE/1). A first batch of abstracts of court decisions relating to the United Nations Sales Convention and the UNCITRAL Model Arbitration Law is contained in A/CN.9/SER.C/ABSTRACTS/1.

Item 8. Future programme of work

One of the objectives of the UNCITRAL Congress "Uniform Commercial Law in the 21st Century", held in New York from 18 to 22 May 1992 as part of the twenty-fifth session of the Commission, was to identify those areas of law where a practical need for unification exists. The Commission will have before it a note by the Secretariat listing all the topics proposed during the Congress and providing short feasibility studies on some such topics (A/CN.9/378); the Secretariat intends to prepare studies on other topics for later sessions.

Item 9. Co-ordination of work

The Commission will have before it a report on the activities of other organs and international organizations related to international trade law (A/CN.9/380). During the consideration of this agenda item by the Commission, representatives of international organizations will have an opportunity to make statements concerning the activities of their respective organizations.

Item 10. Status and promotion of UNCITRAL legal texts

The Commission will have before it a note by the Secretariat (A/CN.9/381) concerning the present status of the Convention on the Limitation Period in the International Sale of Goods (New York, 1974); United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg); United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980); Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980); United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988); United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 1991); Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958); and the UNCITRAL Model Law on International Commercial Arbitration.

It may be noted that the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg) entered into force on 1 November 1992. The Commission may wish to discuss the implications of that entry into force.

As a follow-up to proposals made during the UNCITRAL Congress, the Commission may also wish to discuss additional means of promoting adherence to UNCITRAL legal texts.

Item 11. Training and assistance

The Commission will have before it a note by the Secretariat on this subject (A/CN.9/379). Information will also be given in regard to the Fifth UNCITRAL International Trade Law Symposium, which will be held during the second week of the Commission session, 12-16 July 1993.

Item 12. General Assembly resolutions on the work of the Commission

The Commission may wish to take note of General Assembly resolution 47/34 on the Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session. Copies of the resolution and the report of the Sixth Committee (A/47/586) will be made available at the session.

Item 13. Other business

The Commission will have before it a bibliography of recent writings related to the work of the Commission (A/CN.9/382).

Item 14. Date and place of future meetings

(a) Twenty-seventh session

The twenty-seventh session will be held in New York. Arrangements have been made for the session to be held from 31 May to 17 June 1994.

(b) Sessions of working groups

(i) Working Group on Electronic Data Interchange

The twenty-sixth session of the Working Group will be held at Vienna from 11 to 22 October 1993. Information regarding dates available for the sessions in 1994 will be supplied by the Secretariat.

(ii) Working Group on International Contract Practices

The twentieth session of the Working Group will be held at Vienna from 22 November to 3 December 1993. Information regarding dates available for the sessions in 1994 will be supplied by the Secretariat.

(iii) Working Group on the New International Economic Order

The sixteenth session of the Working Group will be held at Vienna from 6 to 17 December 1993. Information regarding dates available for the sessions in 1994 will be supplied by the Secretariat.

It may be noted that the sixteenth session of the Working Group on the New International Economic Order will follow immediately upon the twentieth session of the Working Group on International Contract Practices. This schedule may serve as an experiment of the holding of consecutive meetings. While the Commission at its previous session concluded that such consecutive scheduling was impracticable (A/47/17, para. 187), the General Assembly, in its resolution on the report of that session (A/RES/47/34, para. 13), recommended "that the Commission pay special attention to the rationalization of the organization of its work and consider all possibilities for rationalization, in particular the holding of consecutive meetings of its working groups".

Item 15. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolution 2205 (XXI), decided that the Commission should submit an annual report to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision of the Sixth Committee (A/7408, para. 3), the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer of the Bureau designated by the Chairman.

III. SCHEDULING OF MEETINGS

There will be 14 working days available for consideration of the agenda items at the session. No meeting will be scheduled for Thursday, 22 July, to enable the Secretariat to prepare the draft report. Friday, 23 July, will be reserved for the adoption of the report.

Meeting hours will be from 9.30 to 12.30 and 14.00 to 17.00, except on Monday, 5 July, when the meeting will commence at 10.00.

The Secretariat would recommend that the agenda items be taken up in numerical order and that the Commission anticipate devoting the first two weeks of the session (after agenda items 1 to 3) to agenda item 4 (Procurement), with the possibility of spending additional time on Monday, Tuesday or Wednesday of the third week if necessary to complete the discussion and finalize the Model Law. Otherwise, agenda items 5 through 15 would be taken up on those days in the third week.

During the second week of the session, 12 to 16 July 1993, the Fifth UNCITRAL Symposium on International Trade Law will be held at the Vienna International Centre.

IV. MEETING OF NATIONAL CORRESPONDENTS

Since the twenty-second session of the Commission it has become customary to hold, in conjunction with Commission sessions, meetings of the national correspondents for the case collection system referred to under agenda item 7. It is planned that the national correspondents will meet on Thursday, 22 July, when no meeting of the Commission has been scheduled, and possibly on Friday, 23 July, after the adoption of the report by the Commission. Further information concerning the scheduling of the meeting of national correspondents will be communicated during the session.